



**ANNOUNCEMENT LS-89**

**August 2002**

**PURCHASE OF FROZEN, BREADED, CATFISH PRODUCTS  
FOR DISTRIBUTION TO CHILD NUTRITION AND  
OTHER FEDERAL FOOD AND NUTRITION PROGRAMS**

**I. GENERAL**

A. The United States Department of Agriculture (USDA) will periodically issue Invitations under this Announcement for offers to sell to USDA frozen, breaded, par-fried, freshwater catfish products produced in accordance with the Item Description and Checklist of Requirements for Frozen, Breaded, Par-Fried, Freshwater Catfish Nuggets-Code A750 and Strips-Code A751, dated June 2002, (hereinafter referred to as Item Description and Checklist of Requirements).

The Catfish products will be purchased on a competitive bid basis from suppliers who have met the requirements described in Section I.D.4. Interested suppliers may submit samples and technical proposals at any time during this purchase program. Suppliers should allow 10 working days from receipt by USDA for notification of results of the evaluation of the breaded catfish product samples and technical proposal(s). Following notification of acceptance of the catfish sample(s) and technical proposal(s), a Supplier should promptly request a supplier assessment audit as outlined in Section I.D.4. A Supplier is eligible to bid after notification by the Contracting Officer.

Submission of samples and technical proposal(s) are not binding on USDA. Actual purchases will be on a competitive bid basis as described in this Announcement and separately issued Invitations. The Invitations will specify the product type(s), offer date, the closing time for receipt of bids, the delivery period, the destinations with any transportation restrictions, and any other provisions applicable to the proposed procurement, which are in addition to or different from those set forth herein (see Exhibit A for an example of an Invitation). Bids solicited under this Announcement and applicable Invitations are for delivery of products to USDA on an f.o.b. destination or f.a.s. vessel basis only.

Additional bid and contract provisions are included in the Annual Certifications, Representations, and Warranties (Appendix 1) and the General Terms and Conditions for the Procurement of Agricultural Commodities or Services, Revision 2, dated November 1984, and Amendments 1, 2, 3, and 4 dated October 1990, November 1990, August 1989, and March 1990, respectively, hereinafter referred to as USDA-1.

B. Offerors are cautioned to carefully read this Announcement, Appendix-1, USDA-1, specifications, applicable Audit, Review, and Compliance (ARC) Branch Instructions, and Invitations. Failure to do so will be at the Offeror's risk. These documents are incorporated into the contract (see Section IV. of this Announcement). Offerors are cautioned that statements made by persons other than the Contracting Officer are not binding on the Government unless confirmed in writing by the Contracting Officer.

### C. Offer Prices and Evidence of Delivery

Offer prices must be quoted and delivery of product must be on the basis of f.o.b. mechanically refrigerated cars or trucks at destination or f.a.s. vessel as specified in the applicable Invitation. **Certain destinations require delivery by TRUCK ONLY or RAIL ONLY and will be so identified in the Invitation. All products whether shipped by truck, rail, or piggyback must be palletized and stretchwrapped in accordance with instructions contained in the Item Description and Checklist of Requirements unless the Invitation and subsequent contract specifies "NO PALLETS." Contractors may arrange for pallet exchange with consignee, however, USDA is in no way responsible for such arrangements.** Destinations not participating in pallet exchange will be noted on Invitations. Offers submitted on a basis other than f.o.b. destination or f.a.s. vessel will be rejected as nonresponsive.

When notified of shipments, consignees may request upgrading of delivery services; for example, delivery within the consignee's premises or to a specific room within a building. Such delivery terms are beyond USDA contractual requirements. Any negotiations to upgrade services are between Contractor and consignee and any additional charges for special delivery terms are between the consignee and the Contractor. Any charges invoiced to USDA for additional delivery services will be denied.

When making deliveries to more than one destination from the same railcar, the quantities required at each stopoff must be placed in separate compartments under seal. Each railcar compartment must be stacked in a manner that will preclude containers shifting while in transit.

Contracts will be awarded on an f.o.b. destination or f.a.s. vessel basis with quality assurance determined by USDA through pre-award and post award audits as described in Section 1.D.4. In addition, product must be produced under inspection by the United States Department of Commerce (USDC) inspection regulations. If transportation is provided by common carrier, the Contractor must furnish, in support of the Contractor's invoice, a copy of the signed commercial bill of lading indicating the carrier's receipt of the product covered by the invoice for transportation to the destination specified in the contract. If transportation is provided by other than common carrier, the Contractor must attach to the Contractor's invoice a receipted copy of the appropriate delivery document showing receipt at the destination specified in the contract.

### D. Responsibility of Offeror

#### 1. Annual Certifications, Representations, and Warranties

An Offeror intending to submit bids must complete Annual Certifications, Representations, and Warranties in Appendix-1 and return it to the Contracting Officer at the mailing address listed in Section II. A. of this Announcement prior to the submission of its initial bid. The Appendix must be signed by an officer of the company. If there are any changes or revisions to the annual Appendix 1, Offeror must submit an updated Appendix to the Contracting Officer or submit corrections or revisions prior to bid submission.

#### 2. Standard Form 129--Solicitation Mailing List Application

An Offeror intending to submit bids must also complete a Solicitation Mailing List Application (SF-129) and return it to the Contracting Officer at the mailing address listed in Section II. A. of this Announcement prior to the submission of its initial bid.

All items (except Item 18) of the SF-129 must be completed (see Exhibit B). Offeror must also include the following information for Items 4, 8, 10, 16B, 19, and 20:

- Items 4 and 8: Employee's Identification Number.
- Item 8: Identify all affiliates of offeror (applicant as shown in 4) by providing full name, main office address, and employer's identification number of the affiliates. An "affiliate" is defined on the back of the form.
- Item 10: The products purchased by USDA, the Offeror is interested in supplying, weekly volume of production, capacity, and percent of capacity available for USDA contracts. Attach separate list if additional space is needed.
- Item 16B: Identify the freezer or warehouse to be used and its storage capacity.
- Items 19 and 20: Must be an officer of the company.

**Offeror must certify with each bid to the accuracy of the current SF-129 and Appendix-1 on file with the Contracting Officer.**

### 3. Responsibility

A firm submitting an offer under this Announcement must meet the Federal standards for responsibility contained in Title 48 C.F.R. Subpart 9.1, USDA-1, this Announcement, and Invitations. Facilities to be used in fulfilling USDA contracts must be operating in accordance with regulations (50 C.F.R., Part 260).

### 4. Documentation and Assessment Requirements

To become an eligible supplier, the following must be sent to the Contracting Officer at Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0253, Room 2610-South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250-0253, for evaluation and approval prior to bidding:

- a. Product Sample:
  - i. Ten-pound sample(s) of the frozen, breaded par-fried catfish product (nuggets and/or strips) that includes the ingredients statement and Nutrition Facts Panel that conforms to the Item Description and Checklist of Requirements for Frozen, Breaded, Par-Fried, Freshwater Catfish, Nuggets (Code A750) and Strips (Code A751), dated June 2002 (Attachment III). (All samples must arrive in the frozen state--zero degrees or less).
- b. Technical Proposal:

An acceptable technical proposal must:

- i. Include a detailed description of each item offered and each of the production steps that are taken to meet or exceed the minimum product requirements set forth in the Item Description and Checklist of Requirements for Frozen, Breaded, Par-Fried, Freshwater Catfish, Nuggets (Code A750) and Strips (Code A751), dated June 2002 (Attachment III).

- ii. Describe all the quality assurance methods used to verify conformance to all requirements. This will include the monitoring and measurements taken during the process to verify conformance with each requirement. All measurement results shall be recorded and made available to AMS.
- iii. Identify all corrective actions to be taken if deviations from contractual and specification requirements during production, and all preventative actions to be taken to preclude a reoccurrence.

**NOTE: There will be an approximate turn around time of 10 working days between receipt of sample product and technical proposal(s) to the notification of results of the evaluation(s).**

Suppliers with samples and technical proposals approved by the Contracting Officer should contact the ARC Branch on (202) 720-1124 to set up a Supplier pre-award onsite capability assessment.

c. Assessment by the ARC Branch

After the sample(s) and the technical proposal(s) are evaluated and approved, an ARC Branch audit team will perform an onsite assessment of the facilities, processes, and quality control program used to produce the product(s) to determine the Supplier's ability to meet contractual requirements. The following assessments will apply:

i. Pre-Award Onsite Capability Assessment:

The pre-award onsite assessment (audit) will include an evaluation of the potential Contractors' and Subcontractors' facilities, processes, quality control program, equipment, procedures, and the appropriate documents and forms used during the production of the catfish products. Documentation must support the production of a product that complies with the Item Description and Checklist of Requirements dated June 2002 (Attachment III). In addition, the audit will consist of the review of records related to purchasing, receiving, production, quality control, inventory and shipping, and interviews with management and production personnel.

Upon completion of the onsite capability assessment, the ARC Branch auditor will provide a report to the Contracting Officer for final review. After the sample has met the evaluation criteria and the Supplier has satisfactorily completed the pre-award onsite capability assessment, the Supplier will receive written notification of their approval from the Contracting Officer and their eligibility to bid.

If the ARC Branch report demonstrates that the process is inadequate, the applicant will be notified by the Contracting Officer that they are ineligible to bid. The applicant will have the opportunity to modify their process and/or technical proposal and resubmit for further consideration. Eligibility will be dependent upon whether modifications demonstrate that the process is capable of delivering catfish products in compliance with the Item Description and Checklist of Requirements and the applicable assessment to USDA.

ii. Post-Award Assessment

Eligible suppliers who receive contracts must have their technical proposals and supporting documentation readily available for review by AMS agents. Records may be maintained on hard copy or electronic media. However, records maintained as electronic media will be made available in printed form immediately upon request by AMS or its agents.

The ARC Branch will conduct an onsite audit of the Contractor's and Subcontractor's facilities and processes when production commences on the first contract awarded. Additional audits will be conducted as determined by the Contracting Officer, but not less than one per month for Contractors with continuous contracts, or once per contract for intermittent Contractors. More frequent audits will be conducted when audit deficiencies are detected.

iii. Post Award Actions

Any deviation from contractual requirements will be immediately reported to the Contracting Officer. The Contracting Officer will notify the Contractor regarding eligibility to continue to participate as a Contractor.

Contractor will assure that the delivered product complies with the provisions of the Item Description and Checklist of Requirements and the Contractor's Technical Proposal approved by the Contracting Officer.

5. Responsibility of Subcontractors/Suppliers

Contractor shall include the responsibility terms in D.3. above in every subcontract for supplies or services used by the contractor in fulfilling USDA contracts either directly or indirectly and obtain certification of responsibility as described in Appendix-1 to Announcement LS-89 from subcontractors and suppliers.

Contractors shall include, and Subcontractors must comply with, the domestic products clause in I.F. in all subcontracts for fish or fish products used in fulfilling any contracts under this Announcement and obtain certification from Subcontractors or Suppliers of catfish to be used in fulfilling contracts that they have been approved by the ARC Branch for compliance with domestic origin requirements prior to their performance on the contract. If a Subcontractor is operating under a segregation plan approved by ARC Branch, all shipping containers must be labeled as "Domestic Only Product" on the principle display panel. Refer to paragraph I.F. of this Announcement and the applicable ARC Branch Instructions for procedures on requesting domestic origin reviews and fees for service.

Subcontractors or Suppliers of catfish products are (1) ineligible to supply product if they do not have a domestic product program approved by the ARC Branch or if they are delivering late on USDA contracts or USDA-approved subcontracts and late delivery is not due to causes beyond their control; and (2) shall be deemed nonresponsible if they are not operating in accordance with the applicable U. S. Department of Commerce (USDC), National Marine Fishery Service (NMFS) inspection program or have been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4, or if they have been suspended or debarred as an affiliate of any party who has been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4.

## 6. Past Performance

The Offeror must certify to timely performance on current contracts and subcontracts in **Item 5** of the electronic offer. A determination that the late performance is beyond the control or negligence of the Contractor or the Contractor's Subcontractor **must be made by the Contracting Officer prior to bid opening**. An Offeror will be deemed nonresponsive if the Offeror or any of its' affiliates or subcontractors are delivering late on other contracts or subcontracts with USDA and the late delivery is not due to causes beyond the contractor's or the contractor's subcontractor's control. This provision, as it pertains to small business, is a deviation from 48 C.F.R. Subpart 19.6.

**A false certification may result in rejection of the offer, suspension, and debarment by USDA, termination of the contract, liability for damages under the provisions of USDA-1, or criminal prosecution.**

Offerors are cautioned **NOT to BID** on product quantities exceeding a level that the Offeror can reasonably expect to deliver in accordance with the contract schedule. On-time delivery is imperative because the products are used in school lunch and other USDA food and nutrition programs. Late deliveries cause serious and substantial damages to USDA and to recipient agencies, some of which cannot be compensated for by liquidated damages. **Contractor delivering late on contract(s) must immediately notify the Contracting Officer of late shipments. If the Contractor intends to request an extension due to causes beyond the control or negligence of the Contractor, such notice must be made to the Contracting Officer 3 business days in advance of a bid opening in which the Contractor wants to bid. Notification and request for extension must include (1) documentary evidence of causes beyond Contractor's control for each day requested, (2) a production report of completed and/or expected production including pounds and dates, and (3) actual delivery dates by N/D numbers (see Article 68 of USDA-1).**

### E. Buy American Certification

End products furnished must be of domestic origin as defined in I.F. below. This provision is a deviation from 48 C.F.R. part 25 and for the purposes of this Announcement supersedes Article 49 of USDA-1. Other minor ingredients, e.g., seasonings, must comply with Article 49 of USDA-1.

### F. Domestic Products

All catfish products to be used in fulfilling contracts awarded under Announcement LS-89 must be produced in the United States (U.S.). U. S. produced catfish means manufactured from catfish raised in the U. S., its territories, possessions, Puerto Rico, or the Trust Territories of the Pacific Islands (hereinafter referred to as the United States). U. S. produced does not include imported catfish. If any catfish product originating from sources other than the U. S. are processed or handled, the Contractor will develop and maintain an identification and record system for these products to ensure they are segregated and not used to fulfill contracts awarded under this Announcement. Such segregation plan must be made available to the ARC Branch agent. The Contractor will maintain records including, but not limited to, letters of conformance, invoices, production and inventory records evidencing product origin, and will make such records available for review by the Government in accordance with Article 76 of USDA-1.

**Contractor agrees to include this domestic origin certification clause in its entirety in all subcontracts for catfish or catfish products used in fulfilling any contracts awarded under this Announcement.**

Prior to performance on USDA contracts or subcontracts, Contractors and catfish subcontractors must obtain approval of its domestic product program from the ARC Branch (see the appropriate ARC Branch Instructions regarding procedures on requesting reviews).

G. Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity

1. If the Government receives information that a contractor or a person has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) (the Act), as amended by section 4304 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104-106), the Government may:

(a) Cancel the solicitation, if the contract has not yet been awarded or issued; or

(b) Rescind the contract with respect to which:

(i) The Contractor or someone acting for the Contractor has been convicted for an offense where the conduct constitutes a violation of subsection 27(a) or (b) of the Act for the purpose of either (a) exchanging the information covered by such subsections for anything of value; or (b) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

(ii) The head of the contracting activity has determined, based upon a preponderance of the evidence, that the Contractor or someone acting for the Contractor has engaged in conduct constituting an offense punishable under subsection 27(e)(1) of the Act.

2. If the Government rescinds the contract under paragraph 1 of this clause, the Government is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

3. The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law, regulation, or under this contract.

H. Service of Protest

1. Protests, as defined in 48 C.F.R. part 33.101, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer by obtaining written and dated acknowledgment of receipt from the Contracting Officer designated in Section II. A.

2. The copy of any protest shall be received by the Contracting Officer at the mailing address listed in Section II. A. within 1 day of filing a protest with the GAO.

II. SUBMISSION OF OFFERS

A. Where and How To Submit Offers

1. Electronic Submission of Offers

All Offers must be submitted electronically by accessing the Domestic Electronic Bid Entry

System (DEBES). Browser Requirements for DEBES for electronic bidding are described in Attachment I. An offeror must request and receive a DEBES Logon ID in order to access the website (see Attachment II for the form to request a logon ID). Only suppliers deemed responsible by the Contracting Officer will receive a DEBES Logon ID.

Access the DEBES website at:

<https://pcsd.usda.gov:3077/mdbc1000.exe?>

**Once connected to DEBES, follow the online procedures. Click on the “Help button” for detailed instructions on using the system or call (202) 720-2650 for assistance.**

AMS will not be responsible for any failure attributed to the transmission of the bid data prior to being accepted and stored on our web server including, but not limited, to the following:

- (a) Any failure of the offeror’s computer hardware or software,
- (b) Availability of your Internet service provider,
- (c) Delay in transmission due to the speed of your modem, or
- (d) Delay in transmission due to excessive volume of Internet traffic.

If an Offeror’s Internet Service Provider (ISP) is not available, an Offeror may submit a FAX bid. If an Offeror plans to submit a FAX bid, Offeror **MUST** contact the Contracting Officer for approval prior to faxing offers.

Note: Exhibit D and E provides an example of how offers may be submitted by fax:

- (a) Facilities for receiving offers by FAX are as follows. Submission by FAX is only to be used in the event the offeror’s ISP service is not available and with the approval of the Contracting Officer.

FAX (202) 205-1976 (24 Hours)

- (b) Verification: **USDA-AMS-Information Technology, Network Telecommunication Section (NTS), Communications Center,**

**(202) 720-2104** (6:30 a.m. - 3:00 p.m., Central Time, Monday - Friday)

Faxed offers, modifications, or withdrawals of offers must be addressed as follows:

Contracting Officer  
Livestock and Seed Program  
Agricultural Marketing Service  
U.S. Department of Agriculture  
Stop 0253, Room 2610-South Building  
1400 Independence Avenue, SW  
Washington, D.C. 20250



**B. Where and When to Submit Offers**

Offers, modifications, or withdrawals of offers must be submitted to the Contracting Officer, Livestock and Seed Program, Agricultural Marketing Service (AMS), U.S. Department of Agriculture, Washington, D.C. 20250.

Offers, modifications, or withdrawals of offers under this Announcement must be received in the **DEBES Lockbox or, if authorized by the Contracting Officer, faxed to the NTS's Communications Center not later than 1:30 p.m., Central Time**, on the date specified in the Invitation. A planned purchase schedule for frozen catfish products is included as Exhibit C. USDA may change this schedule or cease purchases depending on market conditions or funding considerations. Invitations will be issued by facsimile as needed and be available electronically through the USDA, AMS Commodity Procurement Home Page and posted on the DEBES Internet site. If the planned bid date in Exhibit C or the Invitation falls on a nonworkday for USDA employees in the District of Columbia, offers, modifications, or withdrawals must be received by 1:30 p.m., Central Time on the next succeeding business day. Whether an offer, modification, or withdrawal is received within the time limitation will be determined by the last submission time recorded in DEBES or electronically captured at the AMS-NTS-Communications Center in the event the offer is faxed.

**C. Shipping Periods**

Planned shipping periods for each Invitation are included in Exhibit C. USDA may change this schedule. Bidders are cautioned to refer to the applicable Invitation prior to bidding. Shipping periods will be on a first half/second half of the month basis (e.g., July 1-15 and July 16-31).

**D. Purchase Units**

The purchase unit size for catfish products is 40,000 pounds. The quantity offered on bids must be in purchase unit increments. An offeror may bid the entire quantity on the Invitation or a greater amount, but not less than one unit (e.g., 40,000 pounds). Only one offer price may be quoted to any delivery point listed from each shipping point, including combined destinations bracketed as one line item. Offerors may rearrange the destination sequence on these combined delivery units.

**E. What to Submit**

An offer must include each of the following items:

**Section 1--General**

1. Name, phone number, and complete address and zip code of Offeror (include both street and mailing address if different).
2. Identify submission as a bid.  
STATE: Bid--ANNOUNCEMENT LS-89, Invitation No. \_.
3. Name and street address including zip code of (a) final processing point and (b) shipping point.

**Section 2--Offer Form**

1. Item number listed on applicable Invitation, destination, and price per pound delivered to specific destination, segregated by product type if more than one is requested.

Notes: For bids other than electronic, Offerors may, at their own risk, exclude name of destination. Errors in item number(s) will not be apparent to Contracting Officer.

Quote only one delivered price per pound for each destination or multiple destinations listed as one item number. If more than one price per item is quoted, the line item will be ruled nonresponsive.

Estimated number of purchase units by destination will be listed on the Invitation. USDA may adjust the quantities listed on the Invitation based on offerings, market conditions, and/or program requirements.

Transportation restrictions will be shown on the Invitations.

The Offeror may submit offers for as many destinations as desired. The maximum quantity to be awarded is determined by the constraints quoted in Section 3, Constraints of the bid.

Offer prices may be quoted up to four places to the right of the decimal point. **If other than four places, any digit past the fourth will automatically be dropped.**

**Section 3--Constraints**

1. State maximum quantity of each commodity type (if applicable) to be awarded and/or maximum quantity overall for Invitation (if applicable), both in number of purchase units and equivalent net pounds for shipment to required destinations between (date) and (date).

Notes: If offering for more than one processing point, be sure to indicate the number of units offered for each commodity type and/or maximum quantity overall for each processing point.

Maximum quantity offered may be greater than demand shown on the Invitation.

Total maximum quantity overall for specific product types or Invitation is optional.

If total overall is not quoted, AMS may award up to the maximum for each type.

State the applicable shipping period(s) associated with the Invitation.

**Section 4--Certifications**

1. For this bid, your company is designated as: (choose one)

- ☐ Large Business
- ☐ Large Minority Business
- ☐ Large Woman-Owned Business

- ☐ Large Woman-Owned Minority Business
- ☐ Small Business
- ☐ Small Minority Business
- ☐ Small Disadvantaged "Not 8A"
- ☐ Small Woman-Owned Minority
- ☐ Small Woman-Owned "Not 8A"
- ☐ "8a" Small Woman-Owned
- ☐ "8a" Small Disadvantaged

NOTE: For bids submitted electronically, if default designation is incorrect, please choose correct designation and notify Contracting Officer.

2. By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-89; Appendix 1; Inv. \_\_\_\_; Item Description and Checklist of Requirements, dated June 2002; USDA-1, Rev. 2, and Amds. 1, 2, 3 and 4. *(If submitting electronically, both boxes must be selected.)*

- ☐ HAS
- ☐ DOES

3. Annual Representations, Certifications, and Warranties (Appendix 1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy): \_\_\_\_\_

(a) If Appendix HAS been amended, enter date amended: \_\_\_\_\_ or N/A.

4. Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.

- ☐ Does
- ☐ Does Not

5. All products required under any existing USDA contract(s) or subcontract(s) with a Not Later Than Date prior to this bid opening HAS been shipped/delivered?

- ☐ Has
- ☐ Has Not
- ☐ Has Not, But Has Notified C/O
- ☐ No Existing Contracts

6. By submitting this bid, offeror certifies that all product conforms with the Item Description and Checklist of Requirements, dated June 2002 and no changes to the production process or written documents have occurred without proper approval by the Contracting Officer.

- ☐ Does

7. Show name, title, fax number, and phone number of person submitting this bid (must be an authorized company representative).

NOTE: **Exhibit D and E**, attached, shows how offers may be submitted via mail or FAX giving all essential details in the briefest possible manner using above format. This

format is for use only in the event an offeror's ISP is unavailable at time of bid closing.

### III. ACCEPTANCE OF OFFERS

The USDA will award contracts to responsible bidders whose bids conform to the Announcement and the applicable Invitation and whose bids are most advantageous to the Government in terms of, but not limited to, price, quantity needs at the specified destinations, and cost. The USDA requires a minimum acceptance period of 7 calendar days. Acceptance of offers will be made by FAX filed at Washington, D.C., not later than midnight, Washington, D.C. time, the seventh day following the day for receipt of offers. The official time of award is the date and time stamped on the contract faxed from the AMS, LS, and CP Branch. Transmission of the contract is the official notice that the contract has been awarded. A notice of award will also be issued in the form of a Food Purchase Report (FPR) posted at the Department's Office of Information, News Division, after 1:00 p.m., Central Time, on the day of acceptance. Information on awards will be available by telephone to bidders and interested parties promptly following the posting of the FPR. Inquiries may be made to a USDA-AMS Market News office or the Contracting Officer. Information on awards is also available electronically through **the USDA, AMS Commodity Procurement Home Page** (see attached Notice).

Failure to accept an offer will constitute rejection. Filing of the acceptance wire as specified above will result in a binding contract without further action by either party. The actual time of award described herein deviates from 48 C.F.R. 14.408-1.

### IV. PROVISIONS OF CONTRACT

The contract consists of Announcement LS-89; the applicable Invitation; Item Description and Checklist of Requirements for Frozen, Breaded, Par-Fried, Freshwater Catfish Nuggets-Code A750 and Strips-Code A751, dated June 2002, Contractor's or Subcontractor's (manufacturer's) Technical Proposal approved by the Contracting Officer; the AMS audit team's initial report, Contractor's offer including SF-129 and Appendix-1; the acceptance by USDA; and USDA-1 except Articles 34, 49, 50, 64(c), and all of Part E.

If the provisions of contract documents are not consistent, the following priority order will prevail: Invitation, Announcement, Item Description and Checklist of Requirements, Contractor or Subcontractor's Technical Proposal approved by the Contracting Officer, AMS Audit Team's Initial Report, Appendix-1, and USDA-1.

### V. PRODUCT ITEM DESCRIPTION AND CHECKLIST OF REQUIREMENTS AND CERTIFICATION SERVICES

A. Specifications for fully frozen breaded catfish products will be set forth in the Item Description and Checklist of Requirements. If documents are amended, appropriate amendments must be referenced.

B. Compliance with processing requirements as described in the Item Description and Checklist of Requirements and Contractor/Subcontractor's process documentation and quality control program will be verified through audits by AMS agents. The cost of all audits must be borne by the Contractor.

C. Compliance with the Code of Federal Regulations 50, Part 260 must be under U.S. Department of Commerce, National Marine Fisheries Service. The cost of all inspection service must be borne by the Contractor. Questions concerning charges and the availability of NMFS agents should be discussed with the nearest NMFS office (see Section XI).

D. Questions concerning charges and the availability of AMS auditors should be discussed with the ARC branch in Washington, D.C. at (202) 720-1124.

## VI. LOSS DUE TO DETERIORATION, SPOILAGE, OR RECALL

### A. Loss due to Deterioration or Spoilage

The Contractor will be liable for losses due to deterioration or spoilage for which he or she is responsible, which are discovered within 4 months of the delivery date to USDA for frozen catfish, in accordance with the provisions of Article 61 of USDA-1.

### B. Liabilities Due to Product Recalled for Health or Safety Risk

In accordance with Article 60 of USDA-1, the Contractor shall be held liable for failure of the commodity to meet all of the contract and specification requirements. In the event, product is recalled due to a health or safety risk, the Contractor is responsible for removal and replacement of recalled products and reimbursement of State and local costs incurred as a result of the recall, as outlined in the Food and Nutrition Service's Commodity Holds and Recall Process. These costs include, at a minimum, storage, transportation, processing, and distribution of the commodities.

If product under contract is delivered to a facility for further processing under contract with a State and the product is recalled, it will be handled in accordance with the Food and Nutrition Service's Commodity Holds and Recall Process. A copy of the report can be obtained at the following web address: <http://www.fns.usda.gov/fdd/foodsafety/hold-recallprocedures.pdf>

## VII. CONTRACTOR CERTIFICATE OF CONFORMANCE AND CHECKLOADING

The Contractor will not ship product before receipt of shipping instructions from the Farm Service Agency (FSA), Kansas City Commodity Office (KCCO).

Contractor will perform checkloading examinations and complete a Certificate of Conformance (COC), as described in Exhibit F, at the time of shipment and include with each shipment, a copy of the COC and the Contractor's checkloading certificate to include the following information:

1. Contract Number,
2. Notice to Deliver Number,
3. Name of Product,
4. Shipping Date,
5. Production lot number(s) and date each lot was produced,
6. Count of shipping containers and total projected net weight in each production lot. (The delivery unit will be 40,000 pounds net weight),
7. Identity of car or truck (car numbers and letters, seals, truck license, etc.) as applicable,
8. Count and projected net weight verified, and
9. Signature of company official responsible for checkloading.

## VIII. SHIPMENT - TRANSFER OF TITLE

A. Shipment Requirements

Shipment must be made in accordance with this Announcement, the applicable Invitation, Articles 56 and 64(b) of USDA-1, and the Notice-to-Deliver (Form KC-269) issued by KCCO. The Contractor must closely follow delivery notification instructions contained in the Notice-to-Deliver. Such notification of delivery is vital to proper execution of shipment, particularly in cases of minimal transit time.

The Contractor must notify State distributing agencies and consignees of shipment. For rail shipment, notification must be made on the day of shipment. For truck shipment, notification of the estimated arrival time should be made as far in advance of delivery as possible. In addition, for truck or piggy-back shipment, the Contractor must request and keep scheduled appointments.

**Unloading appointments for truck or piggy-back deliveries or shipment must be requested from the consignee contact party (ies) at least 24 hours in advance of delivery.** The Contractor must include with each shipment the Contractor's certificate, the COC, and a signed bill of lading or other commercial documentation evidencing the quantity shipped with each delivery. If product is shipped in other than a commercial carrier and a bill of lading is not issued, the Contractor's checkloading certificate must document quantity shipped and Contractor must obtain a commercial receipt (i.e., warehouse receipt) signed by recipient agent evidencing date of delivery and quantity of product received.

B. Tolerances

The Contractor must ship the quantity called for in the Notice-to-Deliver. No tolerance is provided.

C. Early Delivery Requests

Requests for permission to deliver in advance of the "Not-Earlier-Than" date given in the Notice-to-Deliver must be made to KCCO and approval will be granted if consignee is willing to accept product early and provides to KCCO the assurances required by KCCO of that arrangement.

D. Transfer of Title

Title and risk of loss will pass to USDA on the date of receipt of the product at the destination specified in the contract, as evidenced by suitable dated documentation such as the consignee's receipt, warehouse receipt, dock receipt, or other similar signed and dated document evidencing delivery. If the Contractor has the product in storage and transfer of title is requested, title will pass to USDA as evidenced by the consignee's receipt. The Contractor is responsible for any shortage or damages as evidenced by the consignee's receipt or other commercial receipt evidencing delivery of product.

## IX. LIQUIDATED DAMAGES

A. Compensation to Contractor for Late Mailing of Notice-to-Deliver

Liquidated damages for delay in shipment or delivery due to late mailing of Notice-to-Deliver will be payable in accordance with Article 65 of USDA-1 and will be at the rate of 25 cents per hundredweight **net per calendar day**.

**B. Compensation to USDA for Delays in Shipment**

Timely delivery is important to fulfill the nutritional and dietary needs of persons consuming catfish products under the Child Nutrition and other Federal food and nutrition programs and for the efficient and proper administration of these programs. Liquidated damages for **delay in shipment** are payable at the rate of 25 cents per hundredweight for catfish net per day in accordance with Article 67 of USDA-1. For purposes of assessing liquidated damages for **delay in shipment**, the date shown on the Contractor's certificate and COC is considered to be the date of shipment.

**X. INVOICES AND PAYMENT****A. Shipping Period**

Invoicing and payment will be handled in accordance with Article 70 of USDA-1. A properly prepared invoice consists of the following:

**Contractor Checkloading**

- (a) Invoicing as provided for on the Notice-to-Deliver (Form KC-269) or commercial invoice form;
- (b) Copy of the Contractor's Certificate of Conformance; and
- (c) Original Contractor's Checkloading Certificate issued at time of shipment.

If a commercial Bill of Lading signed by carrier's agent is not issued, the invoice package must include a (i.e., warehouse receipt) signed by recipient agent evidencing date of delivery and quantity of product received.

**Any loss in transit will be determined by an Over, Short, or Damage Report (FNS-57) filed by recipient. KCMO will advise Contractor of discrepancy and recover loss by setoff from future payments or process a claim.**

Contractors are encouraged to instruct carriers to return bills of lading or other commercial receipts signed by recipient agents evidencing the date and quantity of product received to avoid conflicts. If there is a conflict, the Bill of Lading signed by the recipient representative will prevail unless the discrepancy is due to damage not discernable at time of delivery.

**B. Invoice Mailing & Interest**

1. The invoice package must be mailed or delivered to Kansas City Management Office (KCMO) at the address listed in Section XI. of the Announcement. The outside of the package should be marked:

**"Prompt Pay Provisions Apply--Fish Product  
Attn: Vendor Invoice Payment Section"**

2. Interest will be paid in accordance with the provisions of the Prompt Payment Act if payment is made beyond the seventh day after the date of delivery. For payment purposes, the date of delivery will be the receipt date by KCMO of a properly prepared invoice.

### C. Electronic Payment

USDA payments must be made directly to a financial banking institution. To receive payments electronically, complete the attached Form SF-3881, ACH Vendor Payment Enrollment Form and submit to the Kansas City Management Office, Commodity Financial Operations Division, Inventory Control Branch; Telephone (816) 926-6988.

USDA will no longer issue a paper copy of the disbursement statement. Please note attached Notice on how to obtain the disbursement information electronically.

Complete the attached address information form, which identifies payment disbursement statement address as well as other information needed.

## XI. INQUIRIES

Inquiries pertaining to this Solicitation and applicable documents should be directed to the Contracting Officer, Livestock and Seed Program; USDA, AMS, Stop 0253-Room 2610-S; 1400 Independence Avenue, SW; Washington, D.C. 20250-0253. Telephone: (202) 720-2650.

Inquiries concerning shipping instructions should be directed to:

Director, Kansas City Commodity Office (KCCO)  
Farm Service Agency  
U.S. Department of Agriculture  
P.O. Box 419205  
Kansas City, MO 64141-6205

Telephone: (816) 926-6062 (concerning shipping instructions)

Inquiries concerning payments should be directed to:

Director, Kansas City Management Office (KCMO)  
Farm Service Agency  
U.S. Department of Agriculture  
P.O. Box 419205  
Kansas City, MO 64141-6205

Telephone: (816) 926-6205 (concerning payments)

Inquires concerning inspection should be directed to either:

Deputy Director  
National Seafood Inspection Program  
NOAA/NMFS/F/SI  
1315 East-West Highway  
Room 10842  
Silver Spring, MD 20910

Telephone: (301)713-2355



Director, Southeast Inspection Branch  
National Seafood Inspection Program  
USDC- NOAA-NMFS  
Koger Building  
9721 Executive Center Drive North, Suite 133  
St. Petersburg, FL 33702

Telephone: (727)570-5383

/s/ William Sessions (8/12/02)  
for Deputy Administrator  
Livestock and Seed Program  
Agricultural Marketing Service

Attachments

## SAMPLE INVITATION

DATE ISSUED: FROZEN, BREADED, CATFISH PRODUCTS  
ANNOUNCEMENT LS-89, INVITATION NO. \_:

The U.S. Department of Agriculture (USDA) invites offers pursuant to ANNOUNCEMENT LS-89 to sell frozen, breaded, catfish products for use in Federal food and nutrition programs. Purchases will be made on a shipping period basis to destinations indicated below. Destination quantities listed are estimates and are subject to adjustment based on offerings, changes in recipient needs, market conditions, and program operations.

All offers must be in the format prescribed in LS-89 and be received by **1:30 p.m.**, Central Time, Friday, \_\_\_\_, 2002. Acceptances will be announced by midnight, Friday, \_\_\_\_, 2002. Shipments are to be made between \_\_\_\_ and \_\_\_\_, 2002.

***Bids must be submitted electronically via the internet. Offerors are required to submit bids electronically. Offeror must be assigned a Logon ID by USDA to access the site. The internet address is: <https://pcsd.usda.gov:3077/mdbc1000.exe?> Once connected, follow the online procedures.***

Inquiries about ANNOUNCEMENT LS-89 or this Invitation should be directed to the Contracting Officer; Livestock and Seed Program; USDA, AMS, Stop 0253-Room 2610-South; 1400 Independence Avenue, SW; Washington, D.C. 20250-0253 Telephone: (202) 720-2650; Fax: (202) 205-1976.

ANNOUNCEMENT : LS-89  
INVITATION : 100  
  
COMM GROUP : 28 FISH, FROZEN  
COMM TYPE : 24 FROZEN, CATFISH, STRIPS  
PACK SIZE : 40 2/20 LB FISH/CTN

ITEM NO.	CITY	DESTINATION STATE	TRANS RESTR	QUANTITY (LBS)
-------------	------	----------------------	----------------	-------------------

DELIVERY PERIOD 07/01/02-07/15/02


001	VANDIVER	AL		80,000
002	DURAND	GA	TRUCK ONLY	320,000
003	PALMDALE	FL		160,000
004	BELLEVUE	OH		240,000
005	KALKASKA	MI		420,000
006	ROSCOE	TX		560,000
007	TOLLVILLE	AR		400,000

TOTAL QUANTITY FOR COMMODITY TYPE 2,180,000

TOTAL QUANTITY FOR INVITATION 2,180,000

---

CONTRACTING OFFICER

SOLICITATION MAILING LIST APPLICATION				1. TYPE OF APPLICATION <input checked="" type="checkbox"/> INITIAL <input type="checkbox"/> REVISION		2. DATE 06/12/02		OMB No.: 9000-0002 Expires: 10/31/97		
<b>NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction.</b>										
Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.										
3. SUBMIT TO	a. FEDERAL AGENCY'S NAME USDA, AMS, Livestock and Seed Program				4. APPLICANT		a. NAME Matanuska Catfish EI#12-198674		c. COUNTY	
	b. STREET ADDRESS Room 2610-South, P.O. Box 96456						b. STREET ADDRESS Box 347			
	c. CITY Washington				d. STATE DC		e. ZIP CODE 20090-6456		f. CITY TIN No. 9788988888	
	5. TYPE OF ORGANIZATION (Check one) <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF: Mississippi				6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than Item 4) a. STREET ADDRESS: Same as #4    b. COUNTY:    c. CITY:    d. STATE:    e. ZIP CODE:					
<b>7. NAMES OF OFFICERS, OWNERS, OR PARTNERS</b>										
a. PRESIDENT J.E. Bryan				b. VICE PRESIDENT W.C. Edmonds			c. SECRETARY H.S. Wright			
d. TREASURER R.F. Campbell				e. OWNERS OR PARTNERS Shareholders of the Corporation						
<b>8. AFFILIATES OF APPLICANT</b>										
NAME		LOCATION				NATURE OF AFFILIATION				
Moose Pass Supply Co. Company TIN #XXXXXXXXXX		123 Abero Ave., Lakeview, AK 98555				Wholly owned subsidiary - retail sales of hunting & fishing supplies				
<b>9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)</b>										
NAME		OFFICIAL CAPACITY				TELEPHONE NUMBER AREA CODE    NUMBER				
William L. Quinn		Production Manager				302    457-3215				
Roger Spangenberg		Sales Manager				302    457-3218				
David Brown		General Manager				302    457-3215				
<b>10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)</b>										
Commodity: Breaded Catfish Nuggets    Current Weekly Prod.    Additional Capacity    % available for USDA Contracts Breaded Catfish Strips    200,000 lbs.    100,000    50% Breaded Catfish Strips    100,000 lbs.    50,000    25%										
11a. SIZE OF BUSINESS (See definitions on reverse) <input checked="" type="checkbox"/> SMALL BUSINESS (If checked, complete items 11B and 11C) <input type="checkbox"/> OTHER THAN SMALL BUSINESS				11b. AVERAGE NUMBER OF EMPLOYEES (Including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS 112		11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS \$ 27,306,705.00				
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses) <input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS				13. TYPE OF BUSINESS (See definitions on reverse) <input checked="" type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> SURPLUS DEALER <input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> RESEARCH AND DEVELOPMENT						
14. DUNS NO. (If available) 02-777734					15. HOW LONG IN PRESENT BUSINESS? 39 years					
16. FLOORSPACE (Square Feet/M <sup>2</sup> ) a. MANUFACTURING: 43,000    b. WAREHOUSE: 115,000*					17. NET WORTH a. DATE: December 31, 2001    b. AMOUNT: \$ 17,654,226.82					
<b>18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)</b>										
FOR		TOP SECRET		SECRET		CONFIDENTIAL		c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES		
a. KEY PERSONNEL								d. DATES GRANTED		
b. PLANT ONLY										
The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.										
19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print) J.E. Bryan					20. SIGNATURE 			21. DATE SIGNED 06/12/02		
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print) President										
<div style="display: flex; justify-content: space-between;"> <div> <b>AUTHORIZED FOR LOCAL REPRODUCTION</b>  <small>Previous edition not usable</small> </div> <div> *Lee's Warehouse  224 Main Street  Snohomish, WA 87934 </div> <div> Cascade Warehouse  123 Fir Street  Mukilteo, WA 87208 </div> <div> <b>STANDARD FORM 129 (REV. 12-98)</b>  <small>Prescribed by GSA - FAR (48 CFR) 53.214(a)</small> </div> </div>										

## INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

#### SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

#### TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

#### TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.

**PLANNED PURCHASE SCHEDULE  
2002-03**

<b>INV NO</b>	<b>COMMODITY TYPE</b>	<b>BID OPENING</b>	<b>AWARD DATE (NLT)</b>	<b>AMS SHIPPING PERIOD</b>
<b>1</b>	<b>Catfish (Strips &amp; Nuggets)</b>	<b>8/30</b>	<b>9/6</b>	<b>10/16-31</b>
<b>2</b>	<b>Catfish (Strips &amp; Nuggets)</b>	<b>9/13</b>	<b>9/20</b>	<b>11/1-15</b>
<b>3</b>	<b>Catfish (Strips &amp; Nuggets)</b>	<b>9/27</b>	<b>10/4</b>	<b>11/16-30</b>

**NOTE:**        The above purchase schedule is for informational purposes only. USDA may change this schedule or cease purchases depending on market or funding considerations. Bidders are cautioned to refer to the applicable Invitation prior to submitting offers.

## ANNOUNCEMENT LS-89

## EXHIBIT D

### SAMPLE OFFER WIRE OR LETTER FROZEN, BREADED, CATFISH PRODUCT SAMPLE OFFER WIRE OR LETTER

**Format to follow only in the event of USDA system failure or an offeror's ISP is unavailable at the time of bid closing.**

**Note: Bids are to be faxed ONLY if electronic bid submission is due to USDA system failure or offeror's ISP is unavailable. Offers MUST contact the Contracting Officer prior to faxing offer.**

The following example shows how offer wires or letters may be submitted giving all essential details in the briefest possible manner. Basic to this procedure is a number identification with each line item of information required in the offer (see format in Announcement LS -89).

Address to: Contracting Officer, Livestock and Seed Program  
USDA, AMS  
Stop 0253 Room 2610 South Building  
1400 Independence Avenue SW  
Washington, D.C. 20250-0253

BID FAX NUMBER: (202) 205-1976  
BID RECEIPT VERIFICATION: (202) 720-2104

#### **Section 1 - General**

1. John James Seafood Co. TEL. 705-555-2121  
22 Main Street  
(P.O. Box 123)  
Berwyn, Maine 55507
2. LS-89/100, Catfish Frozen, Strips and Nuggets

3. 

<b>Plant</b>	<b>Shipping Point</b>
John James Seafood Co.	John James Seafood Co.
224 Main Street	224 Main Street
Berwyn, Maine 55501	Berwyn, Maine 55501

#### **Section 2 - Offer Form**

1. 

	ALTERNATE FORMAT
(1) Vandiver, AL \$1.8687	(1) \$1.8687 per lb.
(2) Durand, GA \$1.8686	(2) \$1.8686 per lb.
(3) Pamdale, FL \$1.8685	(3) \$1.8885 per lb.

#### **Section 3 - Constraints**

1. 

<b>Maximum to be awarded</b>	<b>Shipping Period</b>
3 offer units, 120,000 pounds; catfish strips	07/01/02-07/15/02

#### **Section 4 - Certifications**

1. Small Business
2. HAS  
DOES
3. (a) 8/30/01 (date Appendix 1 was signed by Offeror)  
(b) N/A
4. DOES
5. NO EXISTING CONTRACTS
6. DOES
7. Edgar Kaufmann  
Edgar Kauffman, Sales Mgr, FAX 705-347-8333, TEL. 705-347-1715  
(SIGNATURE REQUIRED)

## SAMPLE OFFER ELECTRONICALLY SUBMITTED

Submitted at: 07/13/2002 - 10:19:19 am Central Time

**John James Seafood Co.**  
 22 MAIN STREET  
 BERWYN, ME 55507

**LS-89/100, FROZEN CATFISH**

Authorized Changes and Comments						
Date		Time	USDA ID	Comments		
Plant 01- John James Seafood Co, 22 Main Street, Berwyn, ME						
Shipping Point 01-Jones Meat Packing, 22 Main Street, Berwyn, ME						
FROZEN, BREADED,CATFISH STRIPS						
Line Item	Pack Size	Destination	Delivery Period	Est LBS	Price/LBS	Tran Mode
001	4/10 lb Fish/Ctn	VANDIVER, AL	07/01/2002 – 07/15/2002	80,000	1.8687	Truck
002	4/10 lb Fish/Ctn	DURAND, GA	07/01/2002 – 07/15/2002	40,000	1.8686	Truck
003	4/10 lb Fish/Ctn	PALMDALE, FL	07/01/2002 – 07/15/2002	40,000	1.8885	Truck

High Bid Price: 1.8885 Line Item: 003

Low Bid Price: 1.8687 Line Item: 001

Sum of Bid Prices: 3.7572

Constraints				
Const #	Max Qty	Plant Location	Shipping Period	Product
1	3	01- John James Seafood Co	07/01/2002 - 07/15/2002	CATFISH, BREADED,CATFISH 4/10 LB
Certifications				
For this bid your company is designated as: SMALL BUSINESS				
Question				Answer
<b>01)</b> By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-89, Appendix 1,Inv. 100, Item Description and Checklist of Requirements, dated June 2002; Contractor's Technical Proposal approved by the Contracting Officer; AMS audit team's initial report; USDA 1, Rev. 2, and Amnds1, 2, 3, and 4 (Both boxes must be selected )				HAS DOES
<b>02A)</b> Annual Representations, Certifications and Warranties (Appendix 1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy)				8/30/2001
<b>02B)</b> If Appendix HAS been amended, enter date amended or N/A.				N/A
<b>03)</b> Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.				DOES
<b>04)</b> All product required under existing USDA contract(s) or subcontract(s) with a Not Later Than Date prior to this bid opening HAS been delivered.				NO EXISTING CONTRACTS
<b>05)</b> By submitting this bid, offeror certifies that all product conforms with the Item Description and Checklist of Requirements, dated April 2002 and no changes to the production process or written documents have occurred without proper approval by the Contracting Officer.				DOES
<b>06)</b> Show name, title, fax number, and phone number of person submitting bid (must be an authorized company representative).				Edgar Kaufmann, President Fax 705-347-8333 Phone 705-347-1715

**UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK AND SEED PROGRAM**

**CERTIFICATE OF CONFORMANCE FOR  
THE PROCUREMENT OF  
BREADED CATFISH[STRIPS OR NUGGETS]**

**CERTIFICATE OF CONFORMANCE**

I certify the following:

- (1.) On [shipping date], [Contractor's name] furnished the breaded catfish [strips or nuggets] called for by Contract Number        for product shipped under Notice-to-Deliver Number            in accordance with all applicable requirements.
- (2.) The breaded catfish [strips or nuggets] is of the quality specified and conforms in all respects with domestic product requirements and other the contract requirements, including the Item Description and Checklist of Requirements, and Technical Proposal approved by the Contracting Officer.
- (3.) Product quantity shipped is as required on the Notice to Deliver.
- (4.) [Contractor's name] will maintain records obtained from catfish producers in regards to the Food and Drug Administration's drug and pesticide requirements and will make the records available to the AMS agent upon request.

Date: \_\_\_\_\_

Signature:  
(Signed by an officer or representative authorized to sign offers on the current SF-129)

Title:





United States  
Department of  
Agriculture

Agricultural  
Marketing  
Service

Stop 0253 Room 2610 South  
1400 Independence Avenue SW  
Washington, DC 20250-0253

AGRICULTURAL MARKETING SERVICE  
FOOD PURCHASE INFORMATION ON THE INTERNET

Suppliers and Recipients of Food Products purchased by the Department of Agriculture's Agricultural Marketing Service (AMS), an agency in the Marketing and Regulatory mission area, can access information on purchases and offers via the Internet.

FOR QUICK ACCESS TYPE THE ADDRESS DESIRED IN THE LOCATION BOX:

USDA HOME PAGE:

<http://www.usda.gov/>

AMS HOME PAGE:

<http://www.ams.usda.gov/>

AMS COMMODITY PROCUREMENT HOME PAGE:

<http://www.ams.usda.gov/CP>

## Browser Requirements For DEBES

Netscape 4.07 or above

Internet Explorer 5.0 or above

The browser must be capable of handling 128 bit encryption. To determine this:

In IE, go to **Help/About Internet Explorer**. The display will show:

**Cipher Strength: 128-bit**

If it does not, you will need to download a new version of the browser from Microsoft at <http://www.microsoft.com>.

In Netscape, go to **Help/About Communicator**. The display will show:

**This version supports U.S. security with  
RSA Public Key Cryptography, MD2, MD5,  
RC2-CBC, RC4, DES-CBC,  
DES-EDE3-CBC.**

If it does not, you can download a new version of the browser from Netscape at <http://home.netscape.com/download/index.html?cp=djucc4>. Choose the 128 bit Strong Encryption\* version for your download.

The **Production** site URL address is:

<https://pcsd.usda.gov:3077/mdbc1000.exe?>

The **Vendor Practice** site URL address is:

<https://pcsd.usda.gov:3050/mdbc1000.exe?>

### Proxy Servers

Most connection problems are the result of improper browser version, not using 128 bit encryption, and connecting through your corporate proxy server. The proxy server must be set up to allow HTTPS protocol through the appropriate port; Vendor Practice is port 3050 and Production is port 3077.

**LIVESTOCK AND SEED PROGRAM  
VENDOR REQUEST FOR LOGON IDENTIFICATION (ID) AND PASSWORD  
DOMESTIC ELECTRONIC BID ENTRY SYSTEM (DEBES)**

**COMPANY INFORMATION:**

<b>COMPANY NAME</b>		
<b>Street Address</b>		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
<b>Person to receive Vendor ID and password</b>		
<b>Method to receive Vendor ID and password: (Complete one)</b>		
----- Telephone:		
----- Fax:		
----- E-Mail:		
<b>Assign 5-8 digit alpha/numeric personal identification number (PIN) for company:</b> _____		
(This code will be used as verification by USDA when assigning or resetting a password)		
<b>NAME AND TITLE OF PERSON REQUESTING LOGON ID:</b> (Must be authorized on SF-129 to sign bids)		
Name _____ Title _____		
Signature _____ Date _____		

**TO BE COMPLETED BY USDA:**

<b>VENDOR LOGON ID:</b>  (“A” and 6 digits)	<b>PASSWORD:</b>  (must be changed at first DEBES logon):
<b>Notified:</b> _____ <b>Date:</b> _____ (Company Representative)	
<b>USDA Marketing Specialist:</b> _____ <b>Date:</b> _____	

**PLEASE FAX TO: Contracting Officer, Commodity Procurement Branch, LSP Programs (202) 720-9538**

**FOR INFORMATION CALL (202) 720-2650**

**ADDENDUM TO  
ITEM DESCRIPTION AND CHECKLIST OF REQUIREMENTS  
FOR FROZEN, BREADED, PAR-FRIED, FRESHWATER CATFISH  
STRIPS – (CODE A751) AND  
NUGGETS – (CODE A750), DATED JUNE 2002**

**CLARIFICATION:**

Page 1, II. CHECKLIST OF REQUIREMENTS, A. MATERIALS, 1. FISH FLESH:

Fish flesh must be inspected under C.F.R. Title 50, Part 267.

This addendum is effective immediately and will apply to all contracts issued on or after July 15, 2002.

/s/ Herbert Abraham  
Herbert C. Abraham, Chief  
Standardization Branch  
Livestock and Seed Program

July 15, 2002

**ITEM DESCRIPTION AND CHECKLIST OF REQUIREMENTS  
FOR FROZEN, BREADED, PAR-FRIED, FRESHWATER CATFISH  
STRIPS – (CODE A751) AND  
NUGGETS – (CODE A750), DATED JUNE 2002**

**I. ITEM DESCRIPTION**

- Items - Frozen, breaded, par-fried, freshwater catfish strips and nuggets.
- Portion Size - Strips shall be of the size normally produced commercially by the offeror.
- The number and portion size of the nuggets shall be determined by the offeror to meet the 2.0 ounces meat/meat alternate “as served” requirement for Child Nutrition Programs.
- Packing - The strips and nuggets shall be packed in 40-pound shipping containers, and delivered frozen.
- Non-Fish Components - Batter/breading, seasonings, spices, and other ingredients shall not exceed 25 percent.

**II. CHECKLIST OF REQUIREMENTS**

**A. MATERIALS**

The catfish shall be harvested from commercial, U.S. farm-raised freshwater catfish of the *Ictaluridae* family (channel catfish (*Ictalurus punctatus*), blue catfish (*Ictalurus furcatus*), and the white catfish (*Ictalurus catus*)) and its hybrids. The frozen, breaded, par-fried, catfish strips and nuggets shall consist of not less than 75% catfish and not more than 25% non-fish components (batter/breading, seasonings, spices and other ingredients). Other significant ingredients (more than 1 percent) shall be derived from U.S. produced products. Product must be produced under inspection by the United States Department of Commerce (USDC) inspection regulations.

**1. FISH FLESH**

Raw material produced from frozen stock before April 15, 2002, is not allowed. The catfish flesh will have characteristics of good quality, including -- but not limited to -- flavor, odor, and wholesomeness. In addition, the catfish flesh shall be free of bones, skin, organs, tails, fins, and foreign material.

- a. The catfish strips will be prepared from trimmed catfish fillet (without belly-flap section).
- b. The catfish nuggets will be prepared from the belly-flap section of the catfish.

**2. BATTER/BREADING**

The batter/breading shall be similar to those normally used for commercially marketed breaded, par-fried, catfish strips and nuggets to produce the desired flavor, texture and color. Enriched flour of domestic origin, must be the primary ingredient by weight in the batter/breading combination.

Other ingredients shall include salt at a level not to exceed 4 percent by weight of the dry batter and breading combined. Seasonings (other than salt) are allowed up to 4 percent of the weight of the dry batter/breading mixture. Monosodium glutamate is not allowed.

**3. PORTION SIZE**

The portion size for strips shall be the size normally produced commercially by the offeror. The offeror shall target a portion size and number of nuggets to meet the 2.0 ounces meat/meat alternate "as served" requirement for Child Nutrition Programs. The weights shall be charted on control charts featuring average weight and range, and made available to AMS. Portion sizes shall be declared by the offeror in their technical proposal.

**4. STRIP AND NUGGET DIMENSIONS**

The dimensions for the strips and nuggets shall be the same as the offeror's commercially produced products and shall be declared in their technical proposal.

**5. PRODUCT TEMPERATURE**

The breaded, par-fried, catfish strips and nuggets shall be individually quick frozen (IQF). The product temperature at the time of shipment and delivery shall not exceed 0°F.

**6. PREPARATION/COOKING METHODS**

The breaded, catfish strips and nuggets shall be prepared (par-fried) so that the end-user may bake them in a conventional or convection type oven. Cooking instructions shall be provided in the offeror's technical proposal documentation.

**7. METAL DETECTION**

Catfish strips and nuggets must be free of metal contamination. Testing must be conducted after formulation, but may take place before and/or after packaging. The offeror must be able to demonstrate to the AMS agent that the metal detection equipment used is capable of detecting stainless steel, ferrous and non-ferrous metals.

**B. PREPARATION FOR DELIVERY****1. PACKAGING AND PACKING**

Twenty (20), 2-pound bags of strips, or four (4) 10-pound bags of nuggets shall be packed in a 40-pound (net weight) shipping container of a size to accommodate the product without slack filling or overfilling. Closure of each bag shall be by heat-sealing or metal clips. Only one size and style of primary (bags) and shipping containers may be offered in an individual shipping unit. The shipping containers shall be in compliance with the National Motor Freight Classification or Uniform Freight Classification, as applicable.

**2. LABELING**

Primary containers shall have a printed code that is traceable to the production lot and date. In addition, Nutrition Facts labeling is required on primary and shipping containers for catfish strips and nuggets. For shipping containers, the contractor may vary the placement of the required information (see EXHIBIT G). Additional markings (e.g., bar codes, company names, logos, etc.), may be included. Information may be printed or stenciled directly on the shipping containers, or mechanically printed, pressure sensitive labels may be applied. These labels must be applied in a manner that prevents their removal in an intact form.

**3. PALLETIZED UNIT LOADS**

Unless otherwise specified in the invitation, all truck, rail, and piggyback shipments of product shall be unitized by stacking the shipping containers on pallets. The shipping containers shall be held firmly in place by applying plastic stretch-wrap as tightly as possible around all of the tiers stacked on the pallet.

Pallets shall be flush, 48 inches long by 40 inches wide, stringer or block design, partial or full four-way entry, nonreversible, and suitable for use in the shipment of approximately 2,000 pounds of food product.

Pallet loads shall be stacked in a manner that minimizes the overhang of the shipping containers over the edges of the pallets and exposes the principle shipping container display panel of all boxes to facilitate certification examinations.

**4. TRACEABILITY AND SHIPMENT**



All primary containers shall bear a code that is traceable to production lot and date. All products must be delivered to AMS destinations under seal.

**C. WARRANTY AND COMPLAINT RESOLUTION**

A warranty and customer service clause that includes customer complaint resolution procedures shall be included in the technical proposal. These procedures will be used to resolve product complaints from recipient agencies or AMS.

**EXHIBIT G**

**SHIPPING CONTAINER MARKINGS:** SHIPPING CONTAINERS SHALL BE MARKED SUBSTANTIALLY AS SHOWN BELOW. MANUFACTURERS NAME AND ADDRESS SHALL APPEAR ON THE TOP, SIDE OR PRINCIPLE DISPLAY PANEL. THE USDA SYMBOL SHALL BE BLACK, FLAT, WATERFAST, AND NONSMEARING AND MAY APPEAR ON THE TOP OF THE BOX OR ON THE PRINCIPLE DISPLAY PANEL. THE USDA SYMBOL SHALL BE AT LEAST 2.0 INCHES HIGH. ALL OTHER PRINTING OR STENCILING INCLUDING THE PROCESSED UNDER FEDERAL INSPECTION (PUFI) SHIELD SHALL BE OF SIZE AND CONTRASTING COLOR TO STAND OUT PROMINENTLY AND COMPLY WITH DEPARTMENT OF COMMERCE REGULATIONS.

	<p style="text-align: center;"><b>PERISHABLE FROZEN - STORE AT 0°F (-17.8°C) OR BELOW</b></p> <p><b>**</b></p> <div style="text-align: center;">  </div> <p style="text-align: center;"><b>Manufacturer's Name and Address</b></p>		
	<p><b>FROZEN, BREADED AND PAR-FRIED, CATFISH *</b> <b>PRODUCT CODE A *</b></p> <p><b>CONTRACT NO. ____</b> <b>KEEP FROZEN</b></p>	<p><b>DATE PACKED</b> <b>LOT# ____</b> <b>BOX ____</b> <b>NET WT. 40 LBS.</b> <b>(18.2 KG)</b></p> <div style="text-align: center;">  </div>	

NOTES: DATE PACKED SHALL BE THE MONTH, DAY, AND YEAR OF PACKING.  
 USDA WILL FURNISH SERIAL CONTRACT NUMBER.  
 LOT NO. (CODE) AND BOX NO. MAY BE PLACED ON THE SAME LINE OR AS SHOWN ABOVE.

\* The offeror shall specify strips or nuggets and the applicable product code.

\*\* Nutrition facts labeling is required.



**ACH VENDOR/MISCELLANEOUS PAYMENT  
ENROLLMENT FORM**

OMB No. 1510-0056

Expiration Date 01/31/2000

This form is used for Automated Clearing House (ACH) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion.

**PRIVACY ACT STATEMENT**

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendors financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

**AGENCY INFORMATION**

FEDERAL PROGRAM AGENCY:

United States Department of Agriculture - Commodity Credit Corporation

AGENCY IDENTIFIER:

**USDA-FSA-KCMO**

AGENCY LOCATION CODE (ALC):

**0000-4992-2**

ACH FORMAT:

**DO NOT COMPLETE THIS**☒ CCD+☐ CTX☐ CTP

ADDRESS:

Attn: ACH Disbursements  
P. O. Box 419205  
Kansas City, Missouri 64141-6205

CONTACT PERSON NAME:

Bob Glenn

TELEPHONE NUMBER:

( 816 ) 926-6988

ADDITIONAL INFORMATION:

FAX Number: (816) 823-1364

**PAYEE/COMPANY INFORMATION**

NAME:

SSN NO. OR TAXPAYER ID NO.:

MAILING ADDRESS:

ENTITY/MASTER-CONTRACT CODE (If known)  
(Attach sheet if more space needed)

DISBURSEMENT STATEMENT MAILING ADDRESS (If different from above):

CONTACT PERSON NAME:

TELEPHONE NUMBER:

( )

SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL:

**FINANCIAL INSTITUTION INFORMATION**

NAME:

ADDRESS:

ACH COORDINATOR NAME:

TELEPHONE NUMBER:

( )

NINE-DIGIT ROUTING TRANSIT NUMBER

DEPOSITOR ACCOUNT TITLE:

DEPOSITOR ACCOUNT NUMBER:

LOCKBOX NUMBER:

TYPE OF ACCOUNT:

☐

CHECKING

☐

SAVINGS

☐

LOCKBOX

SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL (Could be the same as ACH Coordinator):

TELEPHONE NUMBER:

( )

## **INSTRUCTIONS FOR COMPLETING SF-3881 FORM**

1. Agency Information Section - Federal agency prints or types the name and address of the Federal program agency originating the vendor/miscellaneous payment, agency identifier, agency location code, contact person name and telephone number of the agency. Also, the appropriate box for ACH format is checked.
2. Payee/Company Information Section - Payee prints or types the name of the payee/company and address that will receive ACH vendor/miscellaneous payments, social security or taxpayer ID number, and contact person name and telephone number of the payee/company. Payee also verifies depositor account number, account title, and type of account entered by your financial institution in the Financial Institution Information Section.
3. Financial Institution Information Section - Financial institution prints or types the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. Also, the box for type of account is checked, and the signature, title, and telephone number of the appropriate financial institution official are included.

## **BURDEN ESTIMATE STATEMENT**

The estimated average burden associated with this collection of information is 15 minutes per respondent or record keeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service, Facilities Management Division, Property and Supply Branch, Room B-101, 3700 East-West Highway, Hyattsville, MD 20782 and the Office of Management and Budget, Paperwork Reduction Project (1510-0056), Washington, DC 20503.

JUNE 2001

NOTICE TO THE TRADE  
USDA MEAT AND FISH SUPPLIERS

This notice is to inform USDA Meat and Fish contractors and potential contractors of the Farm Service Agency (FSA) Electronic Distribution of Disbursement Data Web Site. Effective June 15, 2001, FSA will no longer print or mail hard copy disbursement statements to FSA customers. To continue receiving detailed payment information, access the registration instructions at the FSA Disbursement Data Web Site at <http://pcsd.usda.gov/finance>.

If further information is needed concerning the web site, please contact Sharon Menasco on (816) 926-2120 or Henrietta Cooke on (202) 720-2650.

Attached are the Notice and Registration Instructions issued by FSA.

/s/William T. Sessions  
William T. Sessions  
Contracting Officer  
Commodity Procurement Branch  
Livestock and Seed Program

Attachments



United States  
Department of  
Agriculture

Farm and Foreign  
Agricultural Services

Farm Service  
Agency

Kansas City  
Finance Office  
P.O. Box 419205  
Kansas City,  
Missouri  
64141-6205

**Date: 5/01/2001**

**Subject: Termination of FSA Hard Copy Disbursement Statements**

**As of June 15, 2001**, hard copy disbursement statements that provide detailed payment information will cease to be printed and mailed to FSA customers. You will need to register on the FSA Distribution of Disbursement Data Web site before June 15 to continue getting this information. This action is being taken in compliance with OMB83, Paperwork Reduction Act -1995 (PRA) and P. L. 105-277 Government Paperwork Elimination Act (GPEA), 1998.

If you need a hard copy of the statement, you can print one from the Web page. Once you have registered on the site, you will receive e-mail notifying you whenever new payments are made. You can also use the Web site's search function to find other disbursements made within the last eight weeks.

Our site can be accessed with either a Netscape or Internet Explorer browser that uses 128-bit keys strong encryption. Your company's taxpayer identification number will be the user ID number needed for registering and logging on to the Disbursement site. Instructions on how to register on the site are enclosed with this letter.

The success of the Disbursement Web Site has been validated many times over by FSA customers using it for the last year and a half. The purpose of the site is to give you convenience and control in getting your disbursement information. Feedback received from customers using it, tell us repeatedly, that they are pleased that they no longer must wait for the mailman to bring them their disbursement information or call our office for this information.

In today's environment, many companies are using the Internet in doing every day business to obtain needed information. We are certain that you will find our electronic disbursement system a secure and convenient way of getting your disbursement information. Exception conditions that may prevent you from using the Web site will be considered on a case by case basis.

Follow the five easy steps on the Registration Instructions enclosed with this letter to register today. If you have any questions or need to discuss possible exception conditions, our e-mail address is [ED3@KCC.FSA.USDA.GOV](mailto:ED3@KCC.FSA.USDA.GOV) or call the Disbursement Help Desk (816) 926-2120.

**Sincerely,**

George Garrett  
Chief, Financial Operations Division  
Payment Certification Branch

Enclosure: Registration Instructions

**FSA Electronic Disbursement Web Site Registration Instructions**  
**Help Desk - [ED3@kcc.fsa.usda.gov](mailto:ED3@kcc.fsa.usda.gov)**

**This site is best viewed using either Netscape 4.x or Internet Explorer 5.x with 128 bit encryption.**  
**The site does not support Netscape 6.0.**

**Download a browser from one of these sites:**

**Internet Explorer** -128 Bit:

<http://www.microsoft.com/windows/ie/default.htm>

**Netscape** - 128 Bit:

<http://cgi.netscape.com/cgi-bin/su/intro.cgi>

**Proxy Server Users:** The FSA Port 3076 must be set up with the exact same default settings as Microsoft Secure Port 443.  
<http://support.microsoft.com/support/kb/articles/q184/0/28.asp>

Step 1

In the location box on the Internet Explorer or Netscape browser, type in the Disbursement site address.

<http://pcsd.usda.gov/finance>

Step 2

The FSA Disbursement home page will be displayed. **Click on Register link.**

**DISBURSEMENTS**

Logon  
 Site Map  
**Register**  
 ACH Enrollment  
 Contacts  
 Help  
 FAQ  
 Write Us  
 Privacy Statement  
 USDA Home

**Farm Service Agency  
 Payment Certification Branch**



Step 3

The Registration Page will be displayed. In the box labeled User/Agent ID,

☐ type the company's taxpayer identification number (TIN)

**Click on "Inquire" button.**

The TIN entered will be sent to the Disbursement data base and verified as a valid number in the FSA system.

Step 4

If the validation is successful, a drop down window will list the FSA reference codes in the FSA Disbursement system.

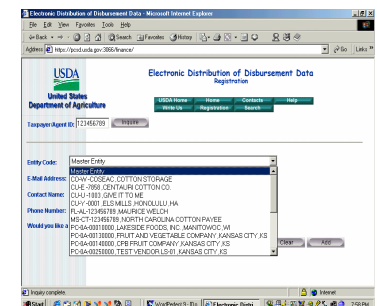
☐ If there is more than one code number associated with the TIN, the first entry displayed in the drop down box will be "Master Entity".

Select a code number that pertains to the disbursements you want to see, and then enter the following information in each of the boxes:

- e-mail address
- contact name
- phone number

**Click on "Add" button.**

Repeat this action for each code number listed in the box for which disbursement information is wanted.

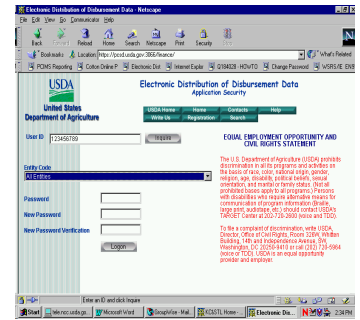


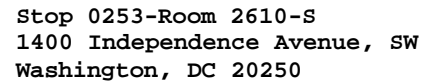
Step 4a  
*Optional*

The Master Entity is used as the selection when a company has a corporate office or has someone in the organization that needs to see all payments for all of the entity codes that are associated with the TIN that is entered. To register as a Master Entity,

☐ select "Master Entity" and then enter the same information that is listed in Step #4

	<p>above.</p> <p><b>Click on "Add" button.</b></p>
Step 5	<p>The registration information is transferred to the FSA Disbursement data base. The system will recognize each individual code registered as well as the Master Entity code and will send out an e-mail containing a unique password for each individual or master code registered. Once you receive a system password, you can log on to the system. Repeat Step 1 and 2 above <b><i>except click on Log On Link.</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> enter the taxpayer identification number</li> <li><input type="checkbox"/> select Master or individual code number</li> <li><input type="checkbox"/> enter e-mailed system password</li> <li><input type="checkbox"/> enter new password (<i>change system password to one of your own choosing - must be 8 alpha/numeric characters</i>)</li> <li><input type="checkbox"/> enter new password verification (<i>the same new chosen password</i>)</li> </ul> <p><b>Click on "Log on" button.</b></p>





PLEASE RETURN THIS FORM BY FAX TO:  
Contracting Officer, Livestock & Seed Program, AMS, USDA; 202/720-9538.

## SOLICITATION MAILING LIST APPLICATION

1. TYPE OF APPLICATION

☐ INITIAL☐ REVISION

2. DATE

OMB No.: 9000-0002

Expires: 10/31/97

**NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction.**

Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

3. SUBMIT TO	a. FEDERAL AGENCY'S NAME			4. APPLICANT	a. NAME	
	b. STREET ADDRESS				b. STREET ADDRESS	
	c. CITY				c. COUNTY	
			d. STATE	e. ZIP CODE	d. CITY	
					e. STATE	e. ZIP CODE
5. TYPE OF ORGANIZATION (Check one)						
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION						
<input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF:						
6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than Item 4)						
a. STREET ADDRESS						
b. COUNTY						
c. CITY						
d. STATE						
e. ZIP CODE						

## 7. NAMES OF OFFICERS, OWNERS, OR PARTNERS

a. PRESIDENT	b. VICE PRESIDENT	c. SECRETARY
d. TREASURER	e. OWNERS OR PARTNERS	

## 8. AFFILIATES OF APPLICANT

NAME	LOCATION	NATURE OF AFFILIATION

## 9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)

NAME	OFFICIAL CAPACITY	TELEPHONE NUMBER	
		AREA CODE	NUMBER

10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)

11a. SIZE OF BUSINESS (See definitions on reverse)	11b. AVERAGE NUMBER OF EMPLOYEES (Including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS	11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS
<input type="checkbox"/> SMALL BUSINESS (If checked, complete items 11B and 11C) <input type="checkbox"/> OTHER THAN SMALL BUSINESS		\$
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)	13. TYPE OF BUSINESS (See definitions on reverse)	
<input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS	<input type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> SURPLUS DEALER	
<input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> RESEARCH AND DEVELOPMENT		
14. DUNS NO. (If available)	15. HOW LONG IN PRESENT BUSINESS?	

16. FLOORSPACE (Square Feet/M<sup>2</sup>)

a. MANUFACTURING	b. WAREHOUSE	a. DATE	b. AMOUNT
		\$	

## 18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)

FOR	TOP SECRET	SECRET	CONFIDENTIAL	c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES	d. DATES GRANTED
a. KEY PERSONNEL					
b. PLANT ONLY					

The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.

19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print)	20. SIGNATURE	21. DATE SIGNED
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)		

AUTHORIZED FOR LOCAL REPRODUCTION  
Previous edition not usableSTANDARD FORM 129 (REV. 12-96)  
Prescribed by GSA - FAR (48 CFR) 53.214(e)



## INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

### SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

### TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

### TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.